

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

ELIANA EPSTEIN, on behalf of herself  
individually and on behalf of all others similarly  
situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC., and LAB CORPORATION OF  
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-4282

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 10 2023 ★

LONG ISLAND OFFICE

TONY JOHNSON, individually and on behalf  
of all similarly situated persons,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC., AND LAB CORPORATION  
AMERICAN HOLDINGS,

Defendants.

Case No. 2:23-cv-04291

MARIE V. NETROSIO, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. AND ENZO  
CLINICAL LABS, INC.

Defendants.

Case No. 2:23-cv-04303

NINO KHAKHIASHVILI, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. and ENZO  
CLINICAL LABS, INC.,

Defendants.

Case No. 2:23-4315

SHANA MCHUGH, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC., and LAB CORPORATION OF  
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-cv-04326

STEVEN GRIFFIN, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., and ENZO  
CLINICAL LABS INC.,

Defendants.

Case No. 1:23-4351

MARK GUTHART, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC., and LAB CORPORATION OF  
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-04364

MARJORIE WEINMAN, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC.,

Defendant.

Case No. 1:23-cv-04393

JEFFREY ABRAHAM, on behalf of himself  
and all others similarly situated,

Plaintiff

v.

ENZO BIOCHEM, INC.,

Defendant.

Case No. 1:23-cv-04408

DORINDA BYNUM, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC. and LAB CORPORATION OF  
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-cv-04474

MARGO KUPINSKA, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC., and LAB CORPORATION  
AMERICA HOLDINGS, INC.

Defendants.

Case No. 2:23-cv-04503

IZZA HAFEEZ SHAH, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. and ENZO  
CLINICAL LABS, INC.

Defendants.

Case No. 2:23-cv-04511

ELYSSA CRIMENI and MARQUIS SIMON,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

ENZO BIOCHEM, INC. and ENZO  
CLINICAL LABS, INC.

Defendants.

Case No. 23-cv-04538

MARY ANN MULLANE, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. and ENZO  
BIOCHEM LABS, INC.

Defendants.

Case No. 23-cv-04573

GITA GARFINKEL, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC. and LAB CORPORATION OF  
AMERICAN HOLDINGS,

Defendants.

Case No. 23-cv-04445

KATHRYN MORTENSEN, on behalf of  
herself and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL  
LABS, INC., and LAB CORPORATION OF  
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-cv-04656

ROBERT PASTORE, EMILY MARTORANO,  
and GIOMAR REYES, on behalf of themselves  
and others similarly situated,

Plaintiffs,

v.

ENZO CLINICAL LABS, INC. and ENZO  
BIOCHEM, INC.

Defendants.

Case No. 2:23-cv-04636

PAULA MAGNANI, on behalf of herself and  
others similarly situated,

Plaintiff,

v.

ENZO CLINICAL LABS, INC. and ENZO  
BIOCHEM, INC.

Defendants.

Case No. 2:23-cv-04749

**STIPULATION CONCERNING CONSOLIDATION AND TO SET A BRIEFING  
SCHEDULE REGARDING ADDITIONAL APPLICATIONS FOR APPOINTMENT OF  
INTERIM LEAD COUNSEL**

WHEREAS, on June 9, 2023, the first action against Defendants Enzo Biochem, Inc. and  
Enzo Clinical Labs, Inc. (collectively, “Enzo Defendants”) and Defendant Laboratory Corporation

of America Holdings (“Labcorp”) <sup>1</sup> arising out of a ransomware incident on Enzo Defendants’ computer network between April 4 and April 6, 2023 (the “Data Incident”) was filed in this Court (*Epstein v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04282 (E.D.N.Y.));

WHEREAS, since the date of that filing, there have been 17 additional cases filed; as of this date, there are 18 cases on file arising out of the Data Incident;

WHEREAS, on June 15, counsel for the first nine actions filed—*Epstein, Johnson, McHugh, Khakhiashvili, Netrosio, Griffin, Guthart, Weinman, and Abraham*—filed a motion to consolidate the related actions. (*See Epstein*, ECF No. 7). Plaintiffs in the *Epstein, Johnson, Khakhiashvili, Netrosio, Griffin, Guthart* and *Abraham* actions (the “*Epstein Group*”) further moved for the appointment of interim lead class counsel (*see Epstein*, ECF No. 7);

WHEREAS, plaintiffs’ counsel in all 17 actions filed to date met and conferred on June 21 via Zoom, and via email thereafter, and agree that consolidation of the above-captioned related actions is warranted;

WHEREAS, during the June 21 meet and confer, counsel for plaintiffs not in the *Epstein Group* stated that they will also be filing applications for the appointment of interim class counsel on behalf of their plaintiffs and the proposed class pursuant to Fed. R. Civ. P. 23(g);

WHEREAS, plaintiffs’ attorneys agreed that any such additional cross-applications for appointment of interim class counsel shall be filed no later than July 10, 2023;

---

<sup>1</sup> Labcorp states that it is not a proper defendant in this litigation. Labcorp further states: (1) It has entered into an Asset Purchase Agreement with Enzo Biochem, Inc. and Enzo Clinical Labs, Inc. that is expected to close later this year; and (2) Plaintiffs’ allegations stem from a data security incident suffered by Enzo and Enzo and Labcorp further believe that any liabilities arising from the data security incident, litigation, and alleged harms are not—and will not become—Labcorp liabilities. Labcorp therefore takes no position regarding Plaintiffs’ Motion to Consolidate (ECF No. 7) or this Stipulation.

WHEREAS, counsel for plaintiffs have conferred with counsel for Defendants, and they indicated that Defendants support consolidation of the above-captioned actions and take no position on the appointment of interim class counsel;

WHEREAS, plaintiffs in the related cases request that the Court relieve Defendants from responding to the initial complaints filed in the above-captioned actions, and instead set a schedule for the filing of a Consolidated Amended Complaint within forty-five (45) days from the entry of an Order appointing interim class counsel;

NOW, THEREFORE, the undersigned parties, through their attorneys and subject to the Court's approval, stipulate and agree to the following:

1. The following related actions shall be consolidated for all purposes:

- *Epstein v. Enzo Biochem, Inc. et al*, No. 2:23-cv-04282-GRB-AYS (E.D.N.Y.);
- *Johnson v. Enzo Biochem, Inc. et al*, No. 2:23-cv-0491-JMA-LGD (E.D.N.Y.);
- *McHugh et al v. Enzo Biochem, Inc.*, No. 2:23-cv-04326 (E.D.N.Y.);
- *Khakhiashvili v. Enzo Biochem, Inc. et al*, No. 1:23-cv-04315 (E.D.N.Y.);
- *Netrosio v. Enzo Biochem, Inc. et al*, No. 2:23-cv-04303 (E.D.N.Y.);
- *Griffin v. Enzo Biochem, Inc. and Enzo Clinical Labs, Inc.*, No. 1:23-cv-04351 (E.D.N.Y.);
- *Guthart v. Enzo Biochem, Inc., Enzo Clinical Labs, Inc., And Lab Corporation of America Holdings*, No. 2:23-cv-04364 (E.D.N.Y.);
- *Weinman v. Enzo Biochem, Inc.*, No. 1:23-cv-04393 (E.D.N.Y.);
- *Abraham v. Enzo Biochem, Inc.*, No. 1:23-cv-04408 (E.D.N.Y.);
- *Bynum v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-4474 (E.D.N.Y.);
- *Kupinska v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04503 (E.D.N.Y.);
- *Shah v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04511 (E.D.N.Y.);



- *Crimeni v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04538 (E.D.N.Y.);
- *Mullane v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04573 (E.D.N.Y.);
- *Garfinkel v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04445 (E.D.N.Y.);
- *Mortensen v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04656 (E.D.N.Y.);
- *Pastore et al. v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04636 (E.D.N.Y.); and
- *Magnani v. Enzo Biochem, Inc., et al.*, No. 2:23-cv-04749 (E.D.N.Y.).

The *Epstein* case is designated as the lead case. All papers filed in the Consolidated Action shall be filed under Case No. 2:23-4282 and shall bear the following caption:

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE ENZO BIOCHEM DATA SECURITY  
LITIGATION

Lead Case No.: 2:23-4282

This Document Relates To:

2. All future actions filed in, or transferred to, this District that are related to this Consolidated Action shall be consolidated in the consolidated action, *In re Enzo Biochem Data Security Litig.*, 2:23-4282, upon stipulation of the parties.

3. Any additional motions for the appointment of interim class counsel shall be filed on July 10, 2023.

4. Counsel for plaintiffs and Defendant do not intend to file responses to any motion for appointment of interim class counsel and therefore briefing on the motions to appoint interim class counsel under Fed. R. Civ. P. 23(g) will be complete as of July 10, 2023.

5. Defendants shall be relieved from responding to the initial complaints filed in the above-captioned actions until the Court issues an Order on the appointment of interim lead class counsel.

6. Plaintiffs shall file a Consolidated Amended Complaint within forty-five (45) days from entry of the Order appointing interim lead class counsel.

IT IS SO STIPULATED AND AGREED TO THIS 26 day of June, 2023.

By:

*\* All pending and future cases  
shall remain open until  
resolution of lead case.*

/s/ Raina C. Borrelli

TURKE & STRAUSS LLP  
Raina C. Borrelli  
613 Williamson Street, Suite 201  
Madison, Wisconsin 53703  
Telephone: (608) 237-1775  
[raina@turkestrauss.com](mailto:raina@turkestrauss.com)

James J. Bilsborrow  
WEITZ & LUXENBERG, PC  
700 Broadway  
New York, New York 10003  
Telephone: (212) 558-5500  
[jbilsborrow@weitzlux.com](mailto:jbilsborrow@weitzlux.com)

***Attorneys For Plaintiff Eliana Epstein***

/s/ William B. Federman

FEDERMAN & SHERWOOD  
William B. Federman  
10205 N. Pennsylvania Ave.  
Oklahoma City, Oklahoma 73120  
Telephone: (405) 235-1560  
[wbf@federmanlaw.com](mailto:wbf@federmanlaw.com)

***Attorneys for Plaintiff Tony Johnson***

/s/ Samantha E. Holbrook

SHUB & JOHNS LLC  
Jonathan Shub  
Benjamin F. Johns\*

Samantha E. Holbrook\*  
Four Tower Bridge  
200 Barr Harbor Drive, Suite 400  
Conshohocken, PA 19428  
Telephone: (610) 477-8380  
jshub@shublawayers.com  
bjohns@shublawayers.com  
sholbrook@shublawayers.com

***Attorneys for Plaintiff Nino Khakhiashvili***

/s/ Mason A. Barney  
SIRI & GLIMSTAD LLP  
Mason A. Barney  
Tyler J. Bean\*  
745 Fifth Avenue, Suite 500  
New York, New York 10151  
Telephone: (212) 532-1091  
mbarney@sirillp.com  
tbean@sirillp.com

***Attorneys for Plaintiff Marie Netrosio***

/s/ Charles E. Schaffer  
LEVIN SEDRAN & BERMAN LLP  
Michael M. Weinkowitz  
Charles E. Schaffer\*  
Nicholas J. Elia\*  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106  
Telephone: (215) 592-1500  
mweinkowitz@lfsblaw.com  
cschaffer@lfsblaw.com  
nelia@lfsblaw.com

s/ Joseph M. Lyon  
THE LYON FIRM  
Joseph M. Lyon\*  
2754 Erie Ave.  
Cincinnati, OH 45208  
Telephone: (513) 381-2333  
jlyon@thelyonfirm.com

***Attorneys for Plaintiff Steven Griffin***

/s/ Charles E. Schaffer

LEVIN SEDRAN & BERMAN LLP

Michael M. Weinkowitz

Charles E. Schaffer\*

Nicholas J. Elia\*

510 Walnut Street, Suite 500

Philadelphia, PA 19106

Telephone: (215) 592-1500

mweinkowitz@lfsblaw.com

cschaffer@lfsblaw.com

nelia@lfsblaw.com

***Attorneys for Plaintiff Mark Guthart***

/s/ Gary M. Klinger

Gary M. Klinger

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

227 W. Monroe Street, Suite 2100

Chicago, IL 60606

Telephone.: (866) 252-0878

gklinger@milberg.com

Vicki J. Maniatis

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, LLC

100 Garden City Plaza, Suite 500

Garden City, NY 11530

Telephone: 866-252-0878

vmaniatis@milberg.com

***Attorneys for Plaintiff Marjorie Weinman***

/s/ Andrew R. Tate

Andrew R. Tate\*

PEIFFER WOLF CARR

KANE CONWAY & WISE, LLP

235 Peachtree Street NE, Suite 400

Atlanta, GA 30303

Telephone: (404) 282-4806

atate@peifferwolf.com

David S. Almeida

Elena A. Belov

ALMEIDA LAW GROUP LLC

849 W. Webster Avenue  
Chicago, Illinois 60614  
Telephone: (312) 576-3024  
david@almeidalawgroup.com  
elena@almeidalawgroup.com

Brandon M. Wise  
PEIFFER WOLF CARR  
KANE CONWAY & WISE, LLP  
818 Lafayette Ave., Floor 2  
St. Louis, MO 63104  
Telephone: (314) 833-4825  
bwise@peifferwolf.com

***Attorneys for Plaintiff Shana McHugh***

/s/ Melissa R. Emert  
Melissa R. Emert  
Gary S. Graifman  
KANTROWITZ, GOLDHAMER &  
GRAIFMAN, PC  
16 Squadron Blvd., Suite 106  
New City, NY 10956  
Telephone: 845-356-2570  
memert@kgglaw.com  
ggraifman@kgglaw.com

KANTROWITZ, GOLDHAMER &  
GRAIFMAN, PC  
135 Chestnut Ridge Road, Suite 200  
Montvale, NJ 07645  
Telephone: 845-356-2570

***Attorneys for Plaintiff Jeffrey Abraham***

/s/ Kevin G. Cooper  
Kevin G. Cooper, Esq.  
James E. Cecchi, Esq.  
Jordan M. Steele, Esq.  
CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO,  
P.C.  
5 Becker Farm Road  
Roseland, New Jersey 07068  
Tel.: (973) 994-1700  
kcooper@carellabyrne.com

[jceccchi@carellabyrne.com](mailto:jceccchi@carellabyrne.com)  
[jsteele@carellabyrne.com](mailto:jsteele@carellabyrne.com)

Matthew R. Mendelsohn (NJ  
015582005)  
MAZIE SLATER KATZ &  
FREEMAN, LLC  
103 Eisenhower Parkway  
Roseland, New Jersey 07068  
Te.: (973) 228-9898  
[mrm@mazieslater.com](mailto:mrm@mazieslater.com)

***Attorneys for Plaintiff Bynum and the  
Proposed Class***

/s/ Todd S. Garber  
Todd S. Garber, Esq. | Partner  
Finkelstein, Blankinship,  
Frei-Pearson & Garber, LLP  
One North Broadway, Suite 900  
White Plains, NY 10601  
Tel: (914) 298-3283  
[www.fbfglaw.com](http://www.fbfglaw.com)

***Attorneys for Plaintiff Garfinkel***

/s/ Lori G. Feldman  
Lori G. Feldman  
GEORGE FELDMAN MCDONALD,  
PLLC  
102 Half Moon Bay Drive  
Croton-on-Hudson, NY 10520  
Telephone: 917-983-9321  
[lfeldman@4-justice.com](mailto:lfeldman@4-justice.com)

***Attorneys for Plaintiff Margo Kupinska***

/s/ Jennifer Czeisler  
James M. Evangelista  
EVANGELISTA WORLEY LLC  
500 Sugar Mill Road Suite 245A  
Atlanta, GA 30350  
Tel.: 404-205-8400  
Fax: 404-205-8395  
Email: [jim@ewlawllc.com](mailto:jim@ewlawllc.com)

Jennifer Czeisler  
JKC LAW, LLC  
269 Altessa Blvd. Melville, NY 11747  
Tel: 516-457-9571  
Email: [jennifer@jkclawllc.com](mailto:jennifer@jkclawllc.com)

***Attorneys for Plaintiffs Elyssa Crimeni and  
Marquis Simon***

/s/ John A. Yanchunis  
John A. Yanchunis\*  
[Jyanchunis@forthepeople.com](mailto:Jyanchunis@forthepeople.com)  
Jean Sutton Martin\*  
MORGAN & MORGAN  
COMPLEX LITIGATION GROUP  
201 North Franklin Street 7th Floor  
Tampa, Florida 33602  
T: (813) 223-5505  
F: (813) 223-5402

***Attorneys for Plaintiff Shah***

/s/ Justin S. Nematzadeh  
NEMATZADEH PLLC  
Justin S. Nematzadeh  
101 Avenue of the Americas, Suite 909  
New York, NY 10013  
Telephone: (646) 799-6729  
[jsn@nematlawyers.com](mailto:jsn@nematlawyers.com)

ERICKSON KRAMER OSBORNE LLP  
Julie C. Erickson\*  
Elizabeth A. Kramer\*  
Kevin M. Osborne\*  
44 Tehama Street  
San Francisco, CA 94105  
Telephone: (415) 635-0631  
[julie@eko.law](mailto:julie@eko.law)  
[elizabeth@eko.law](mailto:elizabeth@eko.law)  
[kevin@eko.law](mailto:kevin@eko.law)

***Attorneys for Plaintiffs Robert Pastore,  
Emily Martorano, and Giomar Reyes***

/s/ Michael A. Toomey  
Michael A. Toomey

BARRACK, RODOS & BACINE  
11 Times Square  
640 8<sup>th</sup> Ave., 10<sup>th</sup> Flo.  
New York, NY 10022  
T: (212) 688-0782  
mtoomey@barrack.com

Stephen R. Basser\*  
Samuel M. Ward\*  
BARRACK, RODOS & BACINE  
600 West Broadway, Suite 900  
San Diego, CA 92101  
T: (619) 230-0800  
F: (619) 230-1874  
sbasser@barrack.com  
sward@barrack.com

John G. Emerson\*  
EMERSON FIRM, PLLC  
2500 Wilcrest, Suite 300  
Houston, TX 77042  
T: 800-551-8649  
F: 501-286-4659  
jemerson@emersonfirm.com

***Counsel for Plaintiff Mary Ann Mullanne***

/s/ Brian P. Murray  
Brian P. Murray (BM-9954)  
GLANCY PRONGAY & MURRAY  
230 Park Avenue, Suite 358  
New York, NY 10169  
T: (212) 682-5340  
F: (212) 884-0988  
bmurray@glancylaw.com

***Counsel for Plaintiff Mortensen***

/s/Steven M. Nathan  
Steven M. Nathan  
HAUSFELD LLP  
33 Whitehall Street  
Fourteenth Floor  
New York, NY 10004  
Tel. 646.357.1100  
snathan@hausfeld.com



James J. Pizzirusso\*  
Amanda V. Boltax\*  
HAUSFELD LLP  
888 16th Street N.W.  
Suite 300  
Washington, D.C. 20006  
Tel. 202.540.7200  
jpizzirusso@hausfeld.com  
mboltax@hausfeld.com

Kim D. Stephens, P.S.\*  
Cecily C. Jordan\*  
TOUSLEY BRAIN STEPHENS PLLC  
1200 Fifth Avenue, Suite 1700  
Seattle, Washington 98101-3147  
Tel. 206.682.5600  
Fax. 206.682.2992  
kstephens@tousley.com  
cjordan@tousley.com

Amy Keller\*  
DiCELLO LEVITT LLP  
Ten North Dearborn Street  
Sixth Floor  
Chicago, Illinois 60602  
Tel. 312.214.7900  
akeller@dicellolevitt.com

***Counsel for Plaintiff Magnani***

/s/ Robyn M. Felstein  
Robyn M. Felstein  
Paul Karlsgodt  
BAKER HOSTETLER  
45 Rockefeller Plaza  
New York, NY 1011-0100  
T: (212) 589-4647  
rfeldstein@bakerlaw.com  
pkarlsgodt@bakerlaw.com

***Counsel for Defendants Enzo Biochem,  
Inc. and Enzo Clinical Labs, Inc.***

*\*pro hac vice application forthcoming*

IT IS SO ORDERED:

*July 10, 2023*

Dated

*/s/ Gary R. Brown*

~~Honorable Anne V. Shields~~

*Honorable Gary R. Brown*

**CERTIFICATE OF SERVICE**

I, Raina C. Borrelli, hereby certify that on June 27, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 27th day of June, 2023.

TURKE & STRAUSS LLP

By: /s/ Raina C. Borrelli  
Raina C. Borrelli  
raina@turkestrauss.com  
TURKE & STRAUSS LLP  
613 Williamson St., Suite 201  
Madison, WI 53703  
Telephone: (608) 237-1775  
Facsimile: (608) 509-4423